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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,869	11/13/2003	Chun-Hsien Tseng	P69277US0	6298

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/705,869	Applicant(s) TSENG, CHUN-HSIEN	
	Examiner Gwendolyn Baxter	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 8 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the second Office action for serial number 10/705,869, Foldable Article of Furniture, filed November 13, 2003.

Claim Rejections - 35 USC § 102

Claims 2-4 are rejected U.S. Patent No. 6,386,119 B1 to Lin. The present invention reads on Lin as follows: Lin teaches foldable article of furniture comprising top supported frame (60), a plurality of engaging members (30, 40, 50), supporting legs (10), couplers (20), joints (form by connecting the engaging member and coupler), locking members including a cavity unit (25) and biasing members (53). The surrounding top supported frame surrounds a central axis. The plurality of engaging members is secured on the top supported frame and angularly displaced from one another. Each of the engaging members include an upper and lower portions (near 32 and 311, respectively) opposite to each other in an upright direction parallel to the central axis, and proximate to and distal from the top supported frame, respectively. Each of the plurality of supporting legs include a lower section (not numbered) which is adapted to stand on the ground surface and an upper section (near 100) opposite to the lower section in the upright direction. The plurality of couplers is secured on the upper sections of the supporting legs, respectively. Each of the couplers includes distal and proximate portions (near 24, 26) opposite to each other in the upright direction, and distal from and proximate to the upper section, respectively. Each of the plurality of joints is disposed to connect the lower portion to the proximate portion such that the proximate portion is turnable relative to the lower portion about a pivot axis that is transverse to the central axis between an upright position. Both a respective one of the couplers and a respective one of the engaging members are oriented in the upright

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direction so as to position the lower section on the ground surface, and a collapsed position, where the respective one of the couplers is inclined relative to the respective one of the engaging members so as to bring the lower section close to the central axis, and such that said proximate portion is movable relative to the lower portion in the upright direction between upper and lower positions. Each of the plurality of locking members is disposed to lock the proximate portion so as to prevent turning of the proximate portion relative to the lower portion about the pivot axis when the proximate portion is in the upper position, and to release the proximate portion so as to permit turning of the proximate portion about the pivot axis to the collapsed position when the proximate portion is in the lower position. Each of the plurality of biasing members is disposed to bias the proximate portion towards the upper position. The distal portion of each of the couplers has an upper edge which faces upwardly. Each of the locking members included a cavity unit (25) which is formed in the upper edge and which extends in the upright direction towards the proximate portion. A latch (33) which extends from the upper said upper portion in a transverse direction relative to the upright direction and which is configured to be retained in the cavity unit when the proximate portion is in the upper position and to be removed from the cavity unit when the proximate portion is moved to the lower position against biasing action of a respective one the biasing members. Each of the joints includes a keyway (26) which is formed in the proximate portion, which extends in the upright direction, and which has upper and lower ends. A key (52) extends from the lower portion in the transverse direction to define the pivot axis, which is movable along the keyway and abuts against the upper and lower ends when the proximate portion is in the lower end and upper positions, respectively. Each of the couplers (20) includes a pair of side plates (21) which are spaced apart from each other in the transverse

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direction and which have upper edge walls with each other to serve as the upper edge. A connecting plate (201) interconnects the side plates in a one-piece construction so as to confine a receiving space there among, the lower portion of each of the engaging members being received in the receiving space.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of U.S. Patent No. 1,309,774 to Otte. Lin teaches the limitations of the base claim, excluding the legs sections of two adjacent one of the supporting leg being connected. Otte teaches a foldable article of furniture having leg sections of two adjacent one on the supporting leg being connected. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified apparatus by Lin to have incorporated the connected legs as taught by Otte, as mere substitution of functional equivalent parts for readily supporting a collapsible article of furniture in two positions.

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Allowable Subject Matter

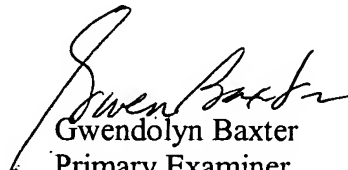
Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gwendolyn Baxter
Primary Examiner
Art Unit 3632

July 22, 2005